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Attorneys for Defendants/Counterclaimants/Third Party Plaintiffs

FIRSTLINE NATIONAL INSURANCE  
COMPANY,

Plaintiff,

v.

Z&D REALTY, LLC, DENNIS COSBY,  
EUGENE COSBY, TERRY MAYES, ZIGGY  
DOBKOWSKI, DIANE DOBKOWSKI and  
RAHEEM McCLENDON,

Defendants,

AND

Z&D REALTY, LLC, LANDIS PIG ROAST,  
LLC, GRANT PLAZA, LLC AND ZIGGY  
DOBKOWSKI and DIANE DOBKOWSKI,

Defendants/Counterclaimants/Third Party  
Plaintiffs

v.

BIONDI INSURANCE AGENCY, INC. and  
ANATOLIY SAKHAN,

Third Party Defendants

v.

THE MARTIN INSURANCE AGENCY, INC.  
AND DONALD REIGHN

Third Party Defendants

STATE OF NEW JERSEY

:ss

COUNTY OF OCEAN

UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

Civil Action

**AFFIDAVIT OF MERIT**

This Affidavit of Merit is made by Thomas B. Ahart CPCU, AAI of Ahart, Frinzi & Smith, at the request of Defendants/Counterclaimants/Third Party Plaintiffs.

Thomas B. Ahart, of full age, being duly sworn, upon his oath, according to law, deposes and says:

1. I am a licensed New Jersey Producer with Authorities in Property/Casualty and Life/Health Lines.
2. I am the holder of the Chartered Property Casualty Underwriter designation ("CPCU"), and the Accredited Adviser in Insurance designation ("AAI") both widely recognized professional insurance designations.
3. I have been active in the insurance business in excess of forty (40) years. I am familiar with the types of insurance that are the subject matter of this case. I have attached my curriculum vitae hereto make it part of this Affidavit.
4. I have instructed state-approved courses for Continuing Insurance Education in New Jersey.
5. I have reviewed the following documents:
  - Defendants/Counterclaimants/Third Party Plaintiffs Motion for Leave to Amend and File an Additional Third Party Complaint
  - Affidavit of Louis M. Barbone, Esquire in Support of Defendants/Counterclaimants/Third Party Plaintiffs Motion to Amend and Add an Additional Third Party Defendant
  - Second Amended Declaratory Judgment Answer, Counterclaim and Third Party Complaint of Landis Pig Roast, LLC, Z&D Realty, LLC, Ziggy Dobkowski and Diane Dobkowski
  - Deposition Transcript of Jean W. Bereznai Dated January 29, 2020
6. Based on my review of the case to date, including my review and understanding of the underlying transactions in arranging and renewing certain insurance coverage on the business interests and property ownership of Z&D Realty, LLC, it is my opinion that there exists a reasonable probability that the care, skill, or knowledge of The Martin

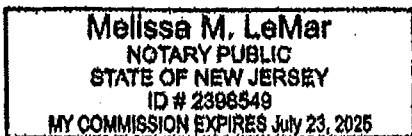
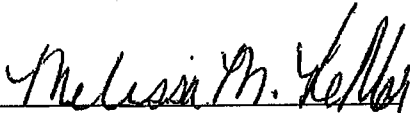
Insurance Agency, Inc. and/or Donald Reign and/or its employees fell outside acceptable professional or occupational standards of insurance producers when acting under the facts and circumstances similar to those present here.

7. I have no financial interest in the outcome of this case.
8. I make this affidavit pursuant to the requirements of N.J.S.A. 2A:53A-26-29. This affidavit is not intended to represent a full and final opinion regarding all deviations by The Martin Insurance Agency, Inc. and/or Donald Reign and/or its employees from the appropriate standard of care owed.



Thomas B. Ahart

Sworn and Subscribed to before  
me this day of October 28, 2021



**THOMAS B. AHART, CPCU, AAI**  
**116 TIMBERWICK RD**  
**STEWARTSVILLE, N.J. 08886**

**EDUCATION**

1975 - BA DEGREE LAFAYETTE COLLEGE - GOVERNMENT & LAW MAJOR

1979 - CPCU DESIGNATION

1983 - AAI DESIGNATION

**EMPLOYMENT**

1977 – Present – CHAIRMAN/CEO OF AHART, FRINZI & SMITH (Independent Insurance agency owner and licensed insurance producer for property/casualty, including bonds and life/health in multiple states including NJ, PA, NY, MA, MD, VA, DC)

**INSURANCE EDUCATION WORK (Past & Present)**

TAUGHT CPCU COURSES AT RARITAN VALLEY COLLEGE

TAUGHT AAI COURSES AT RARITAN VALLEY COLLEGE

CPCU GRADER FOR INSURANCE INSTITUTE OF AMERICA

AAI GRADER FOR INSURANCE INSTITUTE OF AMERICA

CPCU EXAM REVIEWER FOR INSURANCE INSTITUTE OF AMERICA

AAI EXAM REVIEWER FOR INSURANCE INSTITUTE OF AMERICA

TAUGHT NUMEROUS INSURANCE COURSES FOR IIANJ (Independent Insurance Agents of NJ)

**PAST INSURANCE ASSOCIATION INVOLVEMENT**

BOARD OF DIRECTORS IIANJ (Independent Insurance Agents of NJ)

CHAIR OF IIANJ EDUCATION COMMITTEE

IIANJ GOVERNMENT AFFAIRS COMMITTEE

PRESIDENT OF IIANJ

STATE NATIONAL DIRECTOR FOR NJ ON IIABA BOARD OF DIRECTORS  
(Independent Insurance Agents & Brokers of America)

EDUCATION CHAIRMAN OF IIABA

EXECUTIVE COMMITTEE IIABA

FINANCE COMMITTEE IIABA

PRESIDENT OF IIABA (Approximately 300,000 individual members)

FEDERAL GOVERNMENT AFFAIRS COMMITTEE IIABA

CHAIR OF STATE GOVERNMENT AFFAIRS IIABA (Work with Insurance  
Commissioners of all states)

CHAIR OF FUTURE ONE IIABA

CHAIR OF TRUSTED CHOICE - IIABA

**INSURANCE INDUSTRY ACTIVITIES (Past & Present)**

AGENTS ADVISORY COMMITTEE SELECTIVE INSURANCE COMPANY

ADVISORY COMMITTEE AAI PROGRAM

EXAM REVIEW COMMITTEE CPCU

BOARD OF DIRECTORS NEW JERSEY JOINT UNDERWRITING AUTHORITY

BOARD OF DIRECTORS OF INSURANCE INSTITUTE OF AMERICA &  
AMERICAN INSTITUTE OF CPCU

BOARD OF DIRECTORS OF SOCIETY OF CPCU

EXECUTIVE COMMITTEE OF INSURANCE INSTITUTE OF AMERICA &  
AMERICAN INSTITUTE OF CPCU

PROVIDED NUMEROUS TESTIMONY AT NJ LEGISLATIVE HEARINGS ON  
BEHALF OF IIANJ

PROVIDED NUMEROUS TESTIMONY AT US CONGRESSIONAL AND SENATE  
HEARINGS ON BEHALF OF IIABA

INVITED AND ATTENDED WHITE HOUSE BRIEFING ON TERRORISM  
INSURANCE WITH PRESIDENT BUSH

**PROVIDED EXPERT WITNESS &/OR TESTIMONY REPORTS IN OVER 100  
CASES WITH RESPECT TO VARIOIUS INSURANCE LEGAL PROCEEDINGS**

- Cases Deposed since 2015:
  1. July 2015 – Schon v. Trico Rentals, et al (MON-L-1928-10);
  2. Dec 2015 – Wilk v. DCI Associates, Inc. et al (L-001209-14);
  3. Sept 2016 – Travelers v. Quickstuff, LLC et al (Civil Action 1 :14-cv-06105-RBK-JS);
  4. April 2017 – Yablonsky v. Encompass, et al. (ESX-L-3380-14);
  5. April 2017 – STB v. Sterling & Sterling (Index No. 650390/2014);
  6. July 2017 – 528 North Ave. LLC v. Ronald Diskin Associates Corp. (MRS-L-2323-15);
  7. Sep 2017 – Jelleme v. Liberty Mutual, el. (MRS-L-2763.16);
  8. Oct. 2017 – William Tell v. Member Insurance Agency (US District Court Southern District of NY).
  9. Sep 2018 – Jade Apparel v. United Assurance (BER-L-3317-14)
  10. Sep 2018 – FA&E v. Suburban General (ESX-L-2813-13)
  11. Nov. 2018 – Canusa v. Owens Group, et al. (16-cv-09081 (KM) JBC)
  12. Jan 2019 – Riverbank v. PBM (ESX-L-5490-16)
  13. Jan 2019 – Atain v. Northeast (3 :16cv05129-BRM-LHG)
  14. Apr. 5, 2019 – Clark Nursing v. Brown & Brown (UNN :L-2773-17)
  15. Jun 11, 2020 – Sands Harbor v. Wells Fargo Bank, (09 CV 3855)
  16. Jun 23, 2020 – Pilgrim Medical Center v. Michael Zalenski (ESX-L-5828-17)
  17. October 30, 2020 – Andrew L. Pezza v. T.J.K. Stadium, Inc. (MON-L-10-17)
  18. December 22, 2020 – Castelano v. Johl & Co, Inc. (BER-L-1238-18)
  19. February 25, 2021 – Sitlax Realty v. Ficke & Assoc., Inc. (MID-L-06538-16)
- Cases Testified at Trial since 2015:
  1. February 2015 – AEX v. Capacity (BER-L-8045-12)
- I have not authored any articles or publications in the past ten years.

**INSURANCE INDUSTRY AWARDS**

**N.J. YOUNG AGENT OF THE YEAR**

**IIANJ PRESIDENTIAL CITATION**

**AAI AWARD FOR ACADEMIC EXCELLENCE FOR SCORING HIGHEST  
GRADE IN THE UNTIED STATES ON THE AAI 83 EXAM**

**AAMGA (American Association of Managing General Agents) CHAIRMAN  
OF THE YEAR AWARD**

**IIANJ PRESIDENTIAL CITATION**

N.J. INSURANCE PERSON OF THE YEAR

HUNTERDON / WARREN COUNTY INSURANCE AGENT OF THE YEAR

U.S. CONGRESSIONAL RECORD COMMENDATION BY CONGRESSWOMAN  
MARGE ROUKEMA

U.S. CONGRESSIONAL RECORD COMMENDATION BY CONGRESSMAN JAMES  
SAXTON

IIABA SIDNEY O. SMITH NATIONAL LEGISLATIVE AWARD

IIABA PRESIDENTIAL CITATION

IIABA WOODWORTH MEMORIAL AWARD

**COMMUNITY ACTIVITIES (Past & Present)**

POHATCONG TOWNSHIP SCHOOL BOARD

GREENWICH PRESBYTERIAN CHURCH ELDER & DEACON

PRESIDENT GREENWICH CEMETERY ASSOCIATION

PRESIDENT GREENWICH NURSERY SCHOOL

PHILLIPSBURG ROTARY

BOARD OF DIRECTORS WARREN COUNTY UNITED WAY

BOARD OF DIRECTORS WARREN HOSPITAL

BOARD OF DIRECTORS INGERSOLL RAND CREDIT UNION (IRCO)

YOUTH BOY'S BASEBALL & WRESTLING COACH

YOUTH GIRL'S BASKETBALL & SOFTBALL COACH

**FAMILY**

WIFE – CHRISTINE

CHILDREN – MARK, JILL & JODIE